

Margaret M. Fox

pfox@mcnair.net
T (803) 799-9800
F (803) 753-3219

December 28, 2011

Ms. Jocelyn Boyd
Chief Clerk and Administrator
South Carolina Public Service Commission
Synergy Business Park, The Saluda Building
101 Executive Center Drive
Columbia, South Carolina 29210

Re: Complaint and Petition for Relief of BellSouth Telecommunications,
LLC d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Halo
Wireless, Inc. for Breach of the Parties' Interconnection Agreement
Docket No. 2011-304-C

Dear Ms. Boyd:

Please find attached for filing by the South Carolina Telephone Coalition a
Petition to Intervene in the above-referenced docket. By copy of this letter and
Certificate of Service all parties of record are being forwarded a copy of this
Petition.

If you have any questions or need further information, please do not hesitate to
contact me.

Very truly yours,

McNAIR LAW FIRM, P.A.



Margaret M. Fox

MMF:rwm
Enclosure

cc: Parties of Record

McNair Law Firm, P. A.
1221 Main Street
Suite 1600
Columbia, SC 29201

Mailing Address
Post Office Box 11390
Columbia, SC 29211

mcnair.net

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
Docket No. 2011-304-C

In Re: Complaint and Petition for Relief)
of BellSouth Telecommunications, LLC)
d/b/a AT&T Southeast d/b/a AT&T South)
Carolina v. Halo Wireless, Inc. for Breach)
Of the Parties' Interconnection Agreement)
_____)

**PETITION TO
INTERVENE**

The South Carolina Telephone Coalition ("SCTC") submits the within Petition to Intervene in this proceeding. In support of its Petition, SCTC would respectfully show unto this honorable Commission the following:

1. SCTC is a coalition of local exchange telephone companies organized and doing business under the laws of the State of South Carolina. SCTC's members are telephone companies or telephone cooperatives subject to the jurisdiction of the Public Service Commission of South Carolina ("Commission").

2. On July 29, 2011, BellSouth Telecommunications, LLC d/b/a AT&T Southeast d/b/a AT&T South Carolina ("AT&T") filed a Complaint and Petition for Relief against Halo Wireless, Inc. ("Halo") in the above-referenced matter. On August 8, 2011, Halo filed a Chapter 11 Petition in the United States Bankruptcy court for the Eastern District of Texas, Sherman Division (Case No. 11-42464) ("Texas Bankruptcy Court").

3. On August 22, 2011, Halo filed a Suggestion of Bankruptcy in the above-captioned docket, informing the Commission and parties that Halo had filed for bankruptcy and that the automatic stay prohibited any further action against Halo until such time as the Texas Bankruptcy Court may order otherwise. On August 25, 2011, AT&T and its affiliated companies operating in

other states filed with the Texas Bankruptcy Court a Motion to Determine Automatic Stay Inapplicable and for Relief from the Automatic Stay.

4. On October 11, 2011, Halo filed a Notice of Removal of the action in the U.S. Bankruptcy Court for the District of South Carolina ("SC Bankruptcy Court"), and filed a copy with the Commission.

5. On October 26, 2011, the Texas Bankruptcy Court granted AT&T's Motion to Determine Automatic Stay Inapplicable and for Relief from the Automatic Stay. The Texas Bankruptcy Court ruled that the Commission could render a decision, with the exception that the Commission cannot liquidate the amount of any claim against Halo or take action that affects the debtor-creditor relationship between Halo and any creditor or potential creditor.

6. On November 7, 2011, AT&T filed a Motion for Remand, asking the SC Bankruptcy Court to remand the matter back to the Commission.

7. On December 1, 2011, Hearing Officer David Butler issued a directive holding the matter in abeyance until further notice. Also on December 1, 2011, the SC Bankruptcy Court issued its Order Granting AT&T's Motion to Remand.

8. On December 6, 2011, AT&T filed a letter with the Commission, notifying the Commission of the SC Bankruptcy Court's Order remanding the matter back to the Commission, and asking that the Hearing Officer convene a telephonic status conference with the parties as quickly as possible to establish a procedural schedule for this Docket.

9. On December 14, 2011, the Commission received and posted on its Docket Management System the SC Bankruptcy Court's Remand Order.

10. SCTC's individual member companies provide local exchange telephone service within their respective geographic service areas. A carrier like Halo that does not have an interconnection agreement directly with an SCTC member company may exchange traffic indirectly by delivering the traffic to AT&T for delivery to the SCTC member company. AT&T

transits such traffic for the originating carrier (Halo in this case) and delivers the traffic to the SCTC company for termination to the SCTC company's end user customer.

11. As AT&T's complaint and motion states, Halo's actions prevent AT&T "and likely other downstream carriers" from being able to properly bill Halo based on where the traffic originated, because Halo's conduct prevents AT&T "and likely other downstream carriers" from determining where the call originated. See Complaint, para. 14. SCTC member companies are "downstream carriers" as that term is used by AT&T, because Halo sends traffic to AT&T that is destined for customers in SCTC member companies' areas, and AT&T in turn delivers that traffic to the respective SCTC member companies for termination.

12. SCTC seeks to intervene in this proceeding with full rights to participate as a party of record insofar as its interests might appear. SCTC member companies receive Halo traffic indirectly through AT&T. SCTC member companies have an interest in this matter and will be impacted by this proceeding. SCTC's participation is necessary to protect its interests, and will be helpful to the Commission in fully considering and deciding the issues involved in this proceeding.

13. SCTC's intervention is timely. SCTC did not intervene earlier because it did not want to ask the Commission to take any action which might be prohibited under the terms of the automatic stay in bankruptcy. Now that the Texas Bankruptcy Court has ruled regarding the applicability of the automatic stay, and the SC Bankruptcy Court has remanded the matter to the Commission for decision, SCTC respectfully submits this Petition to Intervene so that its interests may be protected. SCTC is aware of the procedural schedule issued in this proceeding by the Hearing Officer on December 20, 2011, and its participation will not delay the proceeding or prejudice the parties.

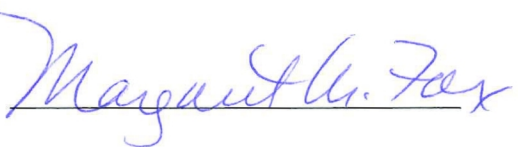
14. SCTC generally agrees with the relief AT&T seeks in Phase I of this proceeding. However, the SCTC member companies have a unique position and perspective in that they do not deal directly with Halo and, therefore, do not have the same ability to protect their interests that AT&T has. SCTC supports AT&T's request to terminate its interconnection agreement with Halo and to discontinue its provision of interconnection, traffic transit, and termination service to Halo. In addition, however, SCTC member companies have an interest in ensuring that their rights as the recipients of indirect traffic are protected. Although this is a complaint proceeding, SCTC's rights and interests are affected, and they are distinct and different from AT&T's interests. SCTC's intervention is necessary to ensure the protection of SCTC member companies' interests, which are not adequately represented by other parties. Thus, SCTC is entitled as a matter of right to intervene in this proceeding. See Rule 24(a), SCRCP. The resolution of this proceeding will substantially impact each of the SCTC member companies and, therefore, the SCTC has a right to be heard with respect to this matter.

15. Correspondence and communications to SCTC with respect to this proceeding should be directed to the undersigned counsel.

WHEREFORE, the South Carolina Telephone Coalition respectfully requests that this honorable Commission permit its intervention in this proceeding as its interests might appear.

Respectfully submitted,

M. John Bowen, Jr.
Margaret M. Fox
McNAIR LAW FIRM, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
Tel: (803) 799-9800
Email: jbowen@mcnair.net;
pfox@mcnair.net

By: 

Attorneys for Intervenor South Carolina
Telephone Coalition

December 28, 2011
Columbia, South Carolina

BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA

Docket No. 2011-304-C

IN RE:

Complaint and Petition for Relief of BellSouth)
Telecommunications, LLC d/b/a AT&T Southeast)
d/b/a AT&T South Carolina v. Halo Wireless,)
Inc. for Breach of the Parties' Interconnection)
Agreement)
_____)

**CERTIFICATE
OF SERVICE**

I, Rebecca W. Martin, do hereby certify that I have this date served one (1) copy of the attached Petition to Intervene in the above-referenced matter upon the following parties causing said copies to be deposited with the United States Postal Service, first class postage prepaid and properly affixed thereto, and addressed as follows:

Patrick W. Turner, Esquire
BellSouth Telecommunications, LLC
d/b/a AT&T South Carolina
1600 Williams Street
Suite 5200
Columbia, South Carolina 29201

Troy P. Majoue, Esquire
McGuire, Craddock & Strother, P. C.
2501 N. Harwood, Suite 1800
Dallas, Texas 75201

Nanette S. Edwards, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201



Rebecca W. Martin, Legal Assistant
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
(803) 799-9800

December 28, 2011

Columbia, South Carolina